

REMARKS

Applicant submits this response in reply to a non-final Office Action mailed on February 24, 2006. Applicant appreciates the time Examiners Davis and Noori took to interview this case with Applicant and Applicant's representative on July 14, 2006.

Applicant makes this Amendment without prejudice or disclaimer. Claims 1-33 were pending in the Application prior to the amendments above. Applicant has added claims 34 and 35. In making this Amendment, Applicant has added no new matter. Support for the amendments above can be found in the specification and claims as filed. Reconsideration of the pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

In the Office Action, claims 17, 18, 20, 27, 29, 30, and 32 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. 2003/0215172 to Koenig (hereinafter "Koenig"). Claims 1-16, 19, 21-26, 28, 31, and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Koenig in view of U.S. Patent No. 6,163,733 to Rubel (hereinafter "Rubel"). And claims 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Koenig in view of Rubel and further in view of U.S. Patent No. 4,976,018 to Bollen (hereinafter "Bollen"). Applicant respectfully traverses the rejections.

A. Claims 17, 18, 20, 27, 29, 30, and 32

In the Office Action, claims 17, 18, 20, 27, 29, 30, and 32 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Koenig.

To anticipate a claim under 35 U.S.C. § 102(e), a reference must teach every element of the claim. Claims 17 and 27 are independent. Claims 18, 20, 29, 30, and 32 depend from either claim 17 or 27 and thus incorporate all of the limitations of either claim 17 or claim 27. Since Koenig does not teach every element of claim 17 or of claim 27, the rejection of these claims, and of the claims that depend from these claims, should be withdrawn.

For example, in claim 17, as amended, Applicant claims “[a] method of detecting thread breakage in a textile sewing apparatus.” The method comprises “providing a thread breakage detection apparatus coupled to [a] textile sewing apparatus.” The thread breakage detection apparatus comprises an optical emitter/receiver pair for transmitting/receiving a light beam, “wherein in order to minimize false positives: the light beam is proximate to the yarn guide plate, and a distance between the light beam and a thread disposed in one of the plurality of holes defined by the yarn guide plate comprises approximately 10 millimeters.” Koenig does not teach such a thread breakage detection apparatus.

Since Koenig does not teach every element of claim 17, claim 17 is patentable over Koenig, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 17. Claim 27 includes similar limitations and is likewise patentable over Koenig. Applicant respectfully requests that the Examiner withdraw the rejection of claim 27.

Claims 18, 20, 29, 30, and 32 depend from either claim 17 or 27 and thus incorporate all of the limitations of either claim 17 or claim 27. Since Koenig does not teach every element of either claim 17 or claim 27, Koenig also does not teach every element of claims 18, 20, 29, 30, and 32. Thus, claims 18, 20, 29, 30, and 32 are patentable over Koenig, and Applicant respectfully requests that the rejections of these claims be withdrawn.

B. Claims 1-16, 19, 21-26, 28, 31, and 33

Claims 1-16, 19, 21-26, 28, 31, and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Koenig in view of Rubel. One of the criteria for a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” *See* MPEP § 2143. The rejection under 35 U.S.C. § 103(a) is improper because neither Koenig nor Rubel teaches or suggests, singularly or in combination, all the claim elements of each of independent claims 1, 17, and 27.

In claim 1, as amended, Applicant claims a system comprising “a thread breakage detection apparatus coupled to [a] textile sewing apparatus.” The thread breakage detection apparatus comprises an emitter/receiver pair for transmitting/receiving a light beam, “the light beam is proximate to [a] yarn guide plate (of the textile sewing apparatus), and a distance between the light beam and a thread disposed in one of [a] plurality of holes defined by the yarn guide plate comprises approximately 10 millimeters.”

Neither Koenig nor Rubel teach or suggest all of the claim elements of claim 1. Thus, claim 1 is patentable over Koenig in view of Rubel. Claims 17 and 27 include similar limitations and thus are also allowable over Koenig in view of Rubel. Claims 2-16, 19, 21-26, 28, 31, and 33 depend from one of claims 1, 17, and 27 and are thus allowable over Koenig in view of Rubel for at least the same reasons as claims 1, 17, and 27. Accordingly Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-16, 19, 21-26, 28, 31, and 33.

C. Claims 13-15

Claims 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Koenig in view of Rubel and further in view of Bollen. Claims 13-15 depend from claim 1 and incorporate all of the limitations of claim 1.

As discussed above, Koenig and Rubel do not disclose all of the elements of claim 1. Bollen does not cure this deficiency. Thus, since claim 1 is allowable over Koenig in view of Rubel and further in view of Bollen, so are claims 13-15. Applicant respectfully requests that the Examiner withdraw the rejection of claims 13-15.

CONCLUSION

Applicant respectfully submits that the pending claims are allowable.
Applicant respectfully solicits the issuance of a timely Notice of Allowance for all pending claims. The Examiner is invited to contact the undersigned by telephone to discuss any matter related to the Application.

Respectfully submitted,

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